

REMARKS

I. INTRODUCTION

Applicants appreciate the acknowledgement that claims 1, 3-5, 7, 8, 10, 11, 13-34, 36, 38-48, 50-72, 76, 77, and 85-87 are in condition for allowance and that claim 75 is free of the prior art. Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 78-84 are requested to be cancelled.

Claim 73 is currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 3-5, 7, 8, 10, 13-34, 36, 38-48, 50-77 and 85-87 are now pending in this application.

II. THE OFFICE ACTION

A. Claim Objections

The PTO has objected to claim 75 as being dependent upon a rejected base claim. It is respectfully submitted that claim 73 as amended comports with 35 U.S.C. § 112, first paragraph and as such, claim 75 is in condition for allowance.

B. Rejections based on 35 U.S.C. § 112, first paragraph

The PTO has rejected claims 73 and 74 and 78-84 under 35 U.S.C. § 112, first paragraph as allegedly lacking adequate written description. Applicants respectfully traverse.

1. Claims 73 and 74

The PTO asserts that there is insufficient descriptive support for the term “ionizable substituted indolinone,” as recited in claim 73. Without acquiescing to the position of the

PTO, claim 73 has been amended to include the chemical structure of Formula (I). It is thus Applicants position that claims 73 and 74 comply with the written description requirement. Accordingly, reconsideration and withdrawal of the rejection of claims 73 and 74 are respectfully requested.

2. Claims 78-84

The PTO asserts that claims 78-84, directed to a “method of treating a protein kinase related disorder,” lack adequate written description. Without acquiescing to the position of the PTO, claims 78-84 are canceled without prejudice or disclaimer. Therefore, the rejection of claims 78-84 is moot.

III. CONCLUSION

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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